

AMENDED IN SENATE MAY 4, 2005
AMENDED IN SENATE APRIL 12, 2005
AMENDED IN SENATE MARCH 29, 2005

SENATE BILL

No. 281

Introduced by Senator Maldonado
(Coauthors: Senators Alquist, Denham, and Torlakson)

February 16, 2005

An act to amend Section 104650 of, and to add Section 104651 to, the Health and Safety Code, relating to nutrition.

LEGISLATIVE COUNSEL'S DIGEST

SB 281, as amended, Maldonado. Nutrition.

Existing law requires the State Department of Health Services to establish and implement, to the extent funds other than state general funds are available, a "5 A Day—For Better Health" program for the purpose of promoting public awareness of the need to increase the consumption of fruits and vegetables as part of a low-fat, high-fiber diet in order to improve health and prevent major chronic diseases, including diet-related cancers. Existing law authorizes the department to contract with qualified organizations for services to implement this program and exempts those contracts from certain state agency contracting requirements.

This bill would delete the provision that exempts those contracts from certain state agency contracting requirements. The bill would also require the department and the Department of Food and Agriculture, in consultation with the State Department of Education and the State Board of Education, to develop a program that encourages ~~schools~~ *public schools maintaining kindergarten or any of*

grades 1 through 12, inclusive, to provide fruits and *nonfried* vegetables to pupils.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 104650 of the Health and Safety Code
2 is amended to read:

3 104650. (a) The department shall establish and implement, to
4 the extent funds are available pursuant to subdivision (c) that are
5 other than state general funds, a “5 A Day—For Better Health”
6 program for the purpose of promoting public awareness of the
7 need to increase the consumption of fruits and *nonfried*
8 vegetables as part of a low-fat, high-fiber diet in order to improve
9 health and prevent major chronic diseases, including diet-related
10 cancers.

11 (b) The department may promote the “5 A Day—For Better
12 Health” program to the public through channels, including print
13 and electronic media, retail, grocers, schools, and other
14 government programs. For purposes of this article, “public”
15 includes the general adult population, adults with lower
16 educational attainment, schoolage children and youth, and
17 high-risk groups determined by the department.

18 (c) The department may, at its sole discretion, contract with
19 qualified organizations for general or specialized services to
20 implement this article, including personnel, marketing, public
21 relations, research, evaluation, and administration.

22 (d) The department shall investigate all available funding
23 sources, public and private, for the purposes of this article,
24 including application for public and private grants.

25 SEC. 2. Section 104651 is added to the Health and Safety
26 Code, to read:

27 104651. (a) (1) The department and the Department of Food
28 and Agriculture shall develop a program that encourages ~~schools~~
29 *public schools maintaining kindergarten or any of grades 1*
30 *through 12, inclusive*, to provide fruits and *nonfried* vegetables to
31 pupils to supplement the fruits and *nonfried* vegetables provided
32 through existing meal programs.

1 (2) Fruits and *nonfried* vegetables provided pursuant to this
2 section shall be provided free of charge to a pupil, where
3 appropriate.

4 (3) Fruits and *nonfried* vegetables provided pursuant to this
5 section shall be provided during the schoolday, but not during
6 regularly scheduled meal periods.

7 (b) The department and the Department of Food and
8 Agriculture, in consultation with the State Department of
9 Education and the State Board of Education, shall establish
10 guidelines for the administration and evaluation of the program
11 developed pursuant to this section.